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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,395	07/28/2003	Daniel J. Blide	DJB-102A	7209

7590

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Kenneth P. Glynn, Esq.  
Glynn & Associates, P.C.  
24 Mine Street  
Flemington, NJ 08822

EXAMINER

SHAW, CLIFFORD C

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

10/629,395

**Applicant(s)**

BLIDE, DANIEL J.

**Examiner**

Clifford C Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0728.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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**Detailed Action**

1.) The abstract of the disclosure is objected to because it is too long. Applicant is to amend the abstract so that it is fewer than 150 words. Correction is required. See MPEP § 608.01(b).

2.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.) Claims 1, 3-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulwidas, Jr. (4,227,066, cited by applicant) taken with the Canadian document no. 592,443. Figure 1 and the discussion thereof in the patent to Bulwidas, Jr. (4,227,066) discloses a welding torch 10 with features claimed, including: a handle including elements 12 and 15; a spring loaded variable power trigger at 18; the trigger being spring loaded away from the other handle elements. The claims differ from Bulwidas, Jr. (4,227,066) in calling for a connection of gas and water supplies in independent claims 1 and 10, in calling for a MIG torch in dependent claims 4 and 15, in calling for torch cooling in certain dependent claims, and in calling for particular torch geometries. These differences do not patentably distinguish over the prior art. At The time applicant's invention was made, it would have been obvious to have provided the torch of Bulwidas, Jr. (4,227,066) with a connection for gas and water supplies and with cooling,

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the motivation being the teachings of the Canadian document no. 592,443 that such are advantageous for a hand held torch (see column 2 and the figure in the Canadian document no. 592,443). It would have been obvious to have modified the torch of Bulwidas, Jr. (4,227,066) to be a MIG torch, the motivation being the teaching of the Canadian document no. 592,443 that it is advantageous to convert a torch of the general configuration of the one in Bulwidas, Jr. (4,227,066) between MIG and TIG welding (see col. 3 of the Canadian document no. 592,443). The particular torch geometry claimed would have been an obvious implementation of the broad teachings of Bulwidas, Jr. (4,227,066) to provide angled discharge barrels and handles in a welding torch.

4.) Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulwidas, Jr. (4,227,066) taken with the Canadian document no. 592,443 as applied to claims 1, 3-11, and 13-20 above, and further in view of bbb. The only aspect of the claims to which the rejection above does not apply is the provision for a linear potentiometer. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any well known type of potentiometer in Bulwidas, Jr. (4,227,066) in lieu of the rotary type explicitly disclosed. In particular, it would have been obvious to have used a linear potentiometer, the motivation being the teachings of bbb that such is advantageous for a torch mounted welding control (see figure 4, element 48 in bbb).

5.) The patent to Kensrue (4,954,690) is cited to show a prior art welding torch with a lever associated with the power trigger (see, e.g., figure 6, element 124 in Kensrue).

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Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw  
Primary Examiner  
Art Unit 1725

February 25, 2005